

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.3924 of 2013

E.Jayavel

... Petitioner

Vs.

1.The Superintendent of Police,
Crime Branch CID,
Coimbatore.

2.The Inspector of Police,
Edappady Police Station,
Crime No.402 of 2012,
Salem District.

3.The Inspector of Police,
All Women Police Station (East),
Coimbatore City,
Crime No.47 of 2012.

4.M.P.Muthuraj

.... Respondents

Prayer:

Petition filed under Section 482 of Cr.P.C., seeking to withdraw the investigation in Crime No.402 of 2012 on the file of the 2nd respondent and the case in Crime No.47 of 2012 on the file of the 3rd respondent and transfer the same either to the Cyber Crime or the Crime Branch CID for effective and complete investigation of both the cases.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.C.Iyyapparaj for R1 to R3
Additional Public Prosecutor
Mr.G.B.Saravanabhavan for R4

O R D E R

The petitioner has filed this petition seeking to withdraw the investigation in Crime No.402 of 2012 on the file of the

second respondent and the case in Crime No.47 of 2012 on the file of the third respondent and to transfer the same either to the Cyber Crime or to the Crime Branch CID for effective and complete investigation of both the cases.

2.The case of the petitioner is that the petitioner is the retired employee of the Tamil Nadu Electricity Board. He has four daughters. His third daughter namely, Bala was given in marriage to the fourth respondent. The marriage between the petitioner's daughter and the fourth respondent was solemnized on 26.02.2007.

3.It is the further case of the petitioner that right from the date of marriage, the fourth respondent was torturing his wife. The fourth respondent filed petition for divorce and the petitioner's daughter also filed a petition under the Domestic Violence Act. Though both the petitioner's daughter and the fourth respondent are litigating their dispute before different Courts, the fourth respondent continued to send letters, e-mails and messages to his wife and the contents of the same are absurd, intolerable, obscene and intimidative. The petitioner and his other family members were also harassed by the fourth respondent. Hence, the petitioner lodged a complaint before the second respondent and the same was registered as Crime No.402 of 2012 and his daughter lodged a complaint before the third respondent and the same was registered as Crime No.47 of 2012.

4.It is the further case of the petitioner that since the messages were sent through e-mail and other social media, the case in Crime No.402 of 2012 on the file of the second respondent and the case in Crime No.47 of 2012 on the file of the third respondent are to be transferred either to the Cyber Crime or to the Crime Branch CID for effective and complete investigation of both the cases. Hence, this petition.

5.The learned counsel appearing for the petitioner would submit that during the pendency of this petition, the case in Crime No.47 of 2012 on the file of the third respondent was transferred to the file of the All Women Police Station, Sangagiri, Salem District, on jurisdictional grounds. He would further submit that it would suffice, if this Court permits the Station House Officer, All Women Police Station, Sangagiri, Salem District, to get the opinion of the Cyber Crime Branch Officials, if they feel it necessary to come to a conclusion and to complete the investigation.

6.The learned Additional Public Prosecutor concede to the request made by the learned counsel appearing for the petitioner.

7.In view of the above submissions, during the course of investigation, if the Investigating Officer finds some difficulty to arrive at a conclusion, it is open to the Station House Officer, All Women Police Station, Sangagiri, Salem District, to get the opinion from the Cyber Crime Branch Officials for the purpose of completing the investigation.

8.This criminal original petition is accordingly disposed of.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Crime Branch CID,
Coimbatore.
- 2.The Inspector of Police,
Edappady Police Station,
Crime No.402 of 2012,
Salem District.
- 3.The Inspector of Police,
All Women Police Station (East),
Coimbatore City,
Crime No.47 of 2012.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.N.Manokaran, Advocate Sr.212
+1cc to Mr.K.Sudhakar, Advocate Sr.400

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srg 13/02/2020